

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AMENDED CIVIL MINUTES - GENERAL

Case No.	SACV 11-0777-AG (ANx)	Date	May 23, 2011
Title	KATHLEEN POWELL v. ROBERT E. RYAN, et al.		

Present: The Honorable	ANDREW J. GUILFORD
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Lisa Bredahl	Not Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	

Proceedings: [IN CHAMBERS] ORDER REMANDING CASE

Plaintiff Kathleen Powell (“Plaintiff”) filed this case in state court for unlawful detainer. Defendant Robert Ryan (“Defendant”) then filed a Notice of Removal, which removed this case from state to federal court. For the reasons that follow, the Court REMANDS the case to Orange County Superior Court.

Plaintiff’s Complaint apparently states a simple state cause of action for unlawful detainer. Defendants Notice of Removal argues that federal jurisdiction is proper “based upon federal question jurisdiction” and for diversity jurisdiction. But a review the papers filed with the removal documents makes clear that Defendant’s argument fails. The Complaint does not rely on any federal law, so Defendants have not demonstrated a basis for federal jurisdiction. *See* 28 U.S.C. § 1441(a); *Syngenta Crop Prot., Inc. v. Henson*, 537 U.S. 28, 33 (2002) (“Under the plain terms of § 1441(a), in order properly to remove [an] action pursuant to that provision, [defendants] must demonstrate that original subject-matter jurisdiction lies in the federal courts.”).

Further, in unlawful detainer actions, “[s]peedy adjudication is desirable to prevent subjecting the landlord to undeserved economic loss and the tenant to unmerited

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harassment and dispossession when his lease or rental agreement gives him the right to peaceful and undisturbed possession of the property.” *Lindsey v. Normet*, 405 U.S. 56, 73 (1972). Improper removal of unlawful detainer cases harms the concerns stated in *Lindsey*. Defendants are cautioned not to improperly seek federal jurisdiction, particularly for delay.

In sum, Defendants fail to establish that federal jurisdiction exists over this case. Thus, the case is REMANDED to the appropriate state court.

Initials of
Preparer

_____ : _____
lmb